The Law and the Moral Imperative to Act: What Course Do We Take When They Clash?

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As has been abundantly established by the world's scientific community, our earth will, absent radical action to reduce the emission of greenhouse gases, soon become a very different planet, inhospitable to life. As oceans rise and inundate coastal regions worldwide, as glaciers and ice caps melt, as forests die, as agriculturally productive lands become deserts, as droughts increase in length and severity, as major river systems flow only during limited seasons, as life-giving water resources disappear, as extreme weather events like hurricanes increase in intensity, and as heat waves become more frequent and deadly, hundreds of millions of people, if not billions, will die, will be forced from their homes, or will be stricken with severe illnesses. Species of plants and animals will, with increasing rapidity, become extinct. Wars will be fought, and the risk of nuclear attacks will become greater, as people and nations fight over increasingly diminishing resources.

If we can do anything to prevent this immense misery, we have a duty to do it. For us to refrain from doing what is necessary to save lives and prevent the tragedies of displacement, disease, death, and drought, is morally equivalent to actively causing the tragedies. Just as silence is betrayal, so too does the failure to fight wrongdoing constitute complicity in the wrongdoing. As Dr. Martin Luther King Jr. said: "He who passively accepts evil is as much involved in it as he who helps to perpetrate it. He who accepts evil without protesting against it is really cooperating with it."

The Industrial Age, which started about 250 years ago, has been characterized by a skyrocketing dependence on the burning of fossil fuels – coal, oil, and gas. The burning of those gases has spewed into the atmosphere many billions of tons of carbon dioxide. Carbon dioxide is included in that class of gases, known as greenhouse gases, which, unlike other gases such as oxygen, capture long-wave radiation reflected by the Earth and, rather than allowing it to pass into outer space, reflect it back into

the atmosphere and to the Earth. That carbon dioxide, which stays in the atmosphere for a hundred years or longer, cumulatively builds up in the atmosphere, creating an increasingly thicker carbon blanket, heating the lowest level of the atmosphere, the troposphere, and the Earth.

In light of the heat-capturing and heat-emitting properties of greenhouse gases, it is not surprising that the increasing thickness of the carbon blanket in the atmosphere has been accompanied by enormous increases in the Earth's temperature. As has been conclusively established, higher temperatures on the Earth's surface and in our oceans go hand-in-hand with increasing carbon dioxide and other greenhouse gases in the atmosphere.

What has been the effect of burning fossil fuels? During at least 800,000 years before the beginning of the Industrial Age, the atmospheric concentration of carbon dioxide stayed steady at about 280 parts per million (ppm). During that entire time, it never exceeded 300 ppm. Now, just 250 years after the commencement of the Industrial Age, during which humankind has burned increasingly massive amounts of fossil fuels, the atmospheric concentration of CO2 is 387 ppm and increasing at continually faster rates every year.

We stand before the most crucial moral fork in the road in human history. Either we choose to take the path toward the salvation of our Earth and of much, if not most, of the life on it by radically reducing the emission of greenhouse gases into the atmosphere and radically increasing carbon dioxide-sequestering forests, or we take the path toward unprecedented death, destruction, and displacement by continuing the status quo or, just as dangerously, by taking half-measures that offer only the dangerous pretense of taking effective action.

The atmospheric concentration of carbon dioxide will far exceed 450 ppm, a point at which climate change will be irreversible and catastrophic for most of the world's population, if we continue to depend upon the burning of coal for the production of electricity, and if we do not halt deforestation and restore forests that have already been destroyed. In light of that, it is clear that our moral obligation is to stop the building of, and phase out existing, coal-burning power plants and to halt deforestation, and reforest areas heretofore destroyed, just as clearly as it is our moral duty to push a loaded gun away from the head of an innocent child.

Our foremost goal must be to prevent catastrophic climate disruption and the consequent human and ecological catastrophes. We must assess right away whether that goal requires reforming our laws, and in large part our political system, in order to change our nation's policies and practices – a prerequisite to the United States providing the international leadership in reducing greenhouse gas emissions that has been so abysmally lacking, under both Republican and Democratic leadership, in Congress and in the White House.

At the root of the abdication of principled and effective leadership by the United States to this point has been an utterly corrupt system in which wealthy, rapacious fossil fuel interests have had their way with a self-serving, greedy, and treasonously timid political elite – particularly our presidents and Congress. Ultimately, however, *we* are to blame because *we* have put up with it all these years.

What we do and what we do not do, and what we put up with, now and in the next few years, will determine whether hundreds of millions of our brothers and sisters around the world will live or die, whether they will live rewarding, joyous lives or lives of want and despair, whether they will starve, whether they will suffer from wars over diminishing resources, and whether they will be displaced from their homes and rendered environmental refugees.

The ultimate moral question is: "What did I do that made a difference?"

The moral imperative is that we change things radically – and do so urgently. If we can do it through the ordinary channels of political activism, then that would be terrific. But keep in mind the powerful, wealthy self-serving interests who were successful in having Barack Obama, on the occasion of his acceptance of his party's nomination, trumpet the virtues of "clean coal" when there is no such thing as "clean coal" and won't be in the time required for cleaning up our carbon-emitting act. If those interests retain their stranglehold on the White House and the corrupt members of Congress who got where they are from industry-generated campaign contributions that are nothing short of bribes, our Earth and many of its future inhabitants are doomed.

What then is our choice? Do we work within the system, according to the law? Do we engage in civil disobedience – the violation of the law with an acceptance of the punishments provided by law? Do we forget about the requirements of civil disobedience and flat-out violate the law, seeking to avoid punishment so we can continue to act without the interruption of the criminal law? Or do we go even further and seek a sort of revolution – a radical change in government, transforming the controlling oligarchy into a constitutional republic, where the interests of we-the-people are promoted, not just the interests of the wealthy and the politically connected. A true revolution also requires a radical change in our own individual moral commitments to action.

When considering our options, we must be conscientious – conscientious about the ultimate effects of our actions, and conscientious about the morality of our actions.

As many of us call upon our nation's leaders to abide by the rule of law, which has been violated with impunity by the Bush administration as it has wiretapped without warrants, as it has engaged in a disastrous and illegal war of aggression, and as it has engaged in the kidnapping, disappearance, and torture of people around the world, we must ask how *we* can violate laws in a manner compelled by our consciences while still upholding the rule of law.

I submit that holding our elected officials to the rule of law is not inconsistent with violating the law in accordance with the dictates of our consciences. In contemplating the question, we can distinguish between the assertion of dictatorial power by a government official and an assertion of disobedience by citizens who recognize, as did Tolstoy, that conscience and reason are to triumph over unjust laws. As Tolstoy wrote:

Christ said, "I have conquered the world." And, indeed. He has conquered the world, if men would but learn to believe in the strength of the weapon given by Him. And this weapon is the obedience of every man to his own reason and conscience. This, indeed, is so simple, so indubitable, and binding upon every man.

Considering what is at stake, do we call for a sort of revolution - a radical change in our system of government and in our relations between the people, the corporations, and our government?

From past history, it is clear that a revolution of sorts is required if we are to effectively act in time to reverse the steadily rapid march toward the tragic transformation of our planet. So long as campaign contributions determine the results of elections, and so long as our democracy is transformed into an oligarchy as our elected officials are beholden to those who make large campaign contributions, elected officials will be subverted into promoting primarily the interests of their paying patrons who care far more about keeping stockholders happy day-to-day than about the long-term preservation of Earth and the plants, people, and other animals inhabiting it.

A revolutionary approach is required insofar as our nation's Constitution must guaranty sustainability of our planet, disallowing one generation from imposing an unsafe and unhealthy, and even deadly, environment on those who come along in the future. Under our Constitution, all sorts of individual rights are preserved, but we can deny our descendents a habitable planet?! Let the principle underlying the law of the Iroquois, which requires that all decision-making take into account the impacts on the next seven generations, govern us in our lives and in our government. That would indeed be revolutionary.

Finally, a revolution is required in how each of us determines our personal responsibility and our conduct. Let us awaken from the dreariness of our pathetic complacency, and in the diminution of our humanity, that has resulted in us permitting the outrages of the Bush administration for eight years, and the many outrages of our government that preceded those of the Bush administration. Let us recognize that we have the tools to bring about change – and that if we do not utilize them vigorously and tenaciously, then it is on *our* shoulders that the fault will lie for the tragedy that will befall our planet and its inhabitants.

Let us commit from this day hence that we will not let up, that we will not leave it for others, that we will not look for excuses, but rather for inspiration and fortitude to take action, individually and collectively, that will sustain and nurture our earth for the benefit of later generations. Let us leave this world a better place than we found it. Let us recognize that we have much catching up to do, insofar as the world is far more polluted, far more vulnerable to devastating climate change, far less stable than when we came into the world.

Finally let us stand up to our responsibilities as moral actors, as those who will conduct our lives according to, and not just recite by rote, the Golden Rule. Let us take action, every chance we have in whatever ways are required, that will bring about a safer, healthier, and essentially more compassionate world. That is our ethical duty – and that is our privilege as human beings and moral actors.